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Honorable William C. Segrest
Executive Director
Alabama Board of Pardons and Paroles
Post Office Box 302405
Montgomery, Alabama 36130

Pardons and Paroles Board –
Probation Revocation – Detention –
Jails

Parolees and probationers arrested
upon written statement by the
probation or parole officer are to be
detained "in the county jail or other
appropriate place of detention."

Dear Mr. Segrest:

This opinion of the Attorney General is issued in response to your
request on behalf of the Alabama Board of Pardons and Paroles.

QUESTION

When a probationer or parolee is accused
of violating a condition of supervision, and is ar-
rested on order of the probation and parole offi-
cer, what is the proper place to confine him
pending his due process hearing?

FACTS AND ANALYSIS

The Alabama Board of Pardons and Paroles ("Board") employs probation and parole officers throughout the State to supervise probationers and parolees and to ensure their compliance with conditions imposed by the sentencing court and the Board. If a parole officer has reasonable cause to believe that a parolee has "lapsed into criminal ways" or has "violated the conditions of his parole in an important respect," the parole officer has a duty to report that fact to the State Department of Corrections ("DOC"), which has a duty to issue a warrant for the retaking of the inmate. ALA. CODE § 15-22-31(a) (1995). Before a warrant is issued by DOC, a parole officer may issue a written statement setting forth that "the parolee has, in his judgment, violated the conditions of parole." ALA. CODE § 15-22-31(b) (1995). "Any parole officer, police officer, sheriff or other officer with power of arrest, upon the request of the parole officer, may arrest a parolee without a warrant" with the written statement from the parole officer. *Id.* The parole officer's written statement "shall be sufficient warrant for the detention of said parolee in the county jail or other appropriate place of detention until the warrant issued by the Department of Corrections has been received." *Id.* The period of detention upon the written statement of a parole officer is limited to 20 days. *Id.* It has been the practice of parole officers and other law enforcement officers to take parolees to the county jail for detention and to conduct the revocation hearings at the county jails.

Likewise, with respect to probationers who violate the terms of their probation, section 15-22-54(d) of the Code of Alabama permits the arrest of the probationer upon written statement by the probation officer that the probationer has violated the conditions of probation. The probation officer's written statement "**shall be sufficient warrant for the detention of the probationer in the county jail or other appropriate place of detention until the probationer is brought before the court.**" ALA. CODE § 15-22-54(d) (1995) (emphasis added).

CONCLUSION

Alabama law permits the arrest of probationers and parolees upon appropriate written statement by the probation or parole officer. Parolees and probationers so arrested are to be detained "in the county jail or other appropriate place of detention."

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I hope this opinion answers your question. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

BILL PRYOR
Attorney General
By:

A handwritten signature in cursive script that reads "Carol Jean Smith".

CAROL JEAN SMITH
Chief, Opinions Division

BP/MF/BFS
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